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October 22, 2021

The Honorable Rachel P. Kovner  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Campos, et al. v. Kijakazi*, Case No. 21-cv-05143

Dear Judge Kovner:

On September 15, 2021, Plaintiffs LaQuana Campos, on behalf of herself and minor child K.C., Tosha Adams, Norman Marsh, and Betti Rodnyanskaya, individually and on behalf of all persons similarly situated (collectively, “Plaintiffs”) filed a complaint in the above-referenced case against Defendant Kilolo Kijakazi, Acting Commissioner of Social Security (“Defendant”) alleging that a rule change by the Social Security Administration (“SSA”) during the COVID-19 pandemic is arbitrary and capricious and has adversely affected Supplemental Security Income recipients. ECF No. 1, ¶ 1.

Early next week, Plaintiffs plan to file motions for a preliminary injunction and provisional class certification seeking that SSA, during the pendency of this litigation, pause assessing and recouping overpayments that have occurred during the pandemic.

Counsel for Plaintiffs and Defendant have met and conferred about these motions and write to request that the Court approve the parties’ agreed-upon briefing schedule, as set forth below. In addition, the parties request that the Court permit Plaintiffs to file one consolidated motion (as opposed to two separate motions, supported by memoranda of law of twenty-five (25) pages each) not to exceed fifty (50) pages, and likewise permit Defendant to file one consolidated opposition not to exceed fifty (50) pages. The parties’ proposed briefing schedule is as follows:

- Plaintiffs shall serve their consolidated motion for a preliminary injunction and provisional class certification, not to exceed fifty (50) pages, no later than October 25, 2021;



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- Defendant shall serve any consolidated opposition, not to exceed fifty (50) pages, no later than January 11, 2022; and
- Plaintiffs shall serve any reply, not to exceed twenty (20) pages, no later than February 10, 2022.

Further, the parties have also agreed to discuss in good faith whether the consolidated motion can be resolved without the need for motion practice. Plaintiffs note that their agreement to the briefing schedule set forth above in no way undermines their position that the relief sought in the motion is urgent.

The parties respectfully request that the Court (1) permit Plaintiffs to file one consolidated motion and Defendant to file one consolidated opposition as described above; and (2) so-order the parties' agreed-upon briefing schedule.

Respectfully Submitted,

/s/ Sheila S. Boston

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